

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF:	:	
	:	
RANDALL J. KIESER, M.D.	:	<b>FINAL DECISION AND ORDER</b>
RESPONDENT.	:	<b>FOR TREATMENT</b>
	:	LS0706201MED

Division of Enforcement Case #06 Med 86

The parties to this action for the purposes of Wis. Stat. § 227.53, are:

Randall J. Kieser, MD  
820 Maple Rd.  
Verona WI 53593

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

The prosecutor and Respondent in this matter agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has now reviewed this Stipulation, and approves it.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent Randall J. Kieser (dob 8-24-58) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #27250, first granted on 10/25/85. Respondent is a family practitioner, and is not licensed in any other jurisdiction.
2. Respondent has been diagnosed with a mental health condition which interferes with his ability to practice medicine with skill and safety to patient and public. Respondent fully recognizes this condition, and has sought treatment. This order is entered solely for the protection of the public and the rehabilitation of Respondent.

**CONCLUSIONS OF LAW**

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

**ORDER**

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

1. Respondent shall not engage in the clinical practice of medicine or surgery unless Respondent is in full compliance with the provisions of this Order and Respondent’s Treater is of the opinion that Respondent is able to safely practice medicine and surgery under the restrictions of this Order.

2. The Board may, following notice and an opportunity to be heard, suspend Respondent's license upon receipt of information that Respondent is in substantive or repeated violation of any provision of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision.
3. This suspension takes effect immediately upon notice being provided to Respondent either by:
  - (a) Mailing to Respondent's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
  - (b) Actual notice to Respondent or Respondent's attorney.
4. The Board or its designee may stay the suspension, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for a stay to be granted or reinstated. Whether to grant or reinstate a stay shall be wholly in the discretion of the Board or its designee.
5. If Respondent requests a hearing on a suspension, or the subsequent removal of a stay of suspension, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

## TREATMENT CONDITIONS AND LIMITATIONS

### Treatment Required

6. Respondent shall continue in treatment with a Treater acceptable to the Board or its designee, for the conditions referred to in Finding of Fact 2, above. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater. Paul H. Miller, Ph.D., of Madison Psychiatric Associates, Ltd., is acceptable to the Board as Respondent's Treater.
7. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
8. Treater shall be responsible for coordinating Respondent's treatment program as required under the terms of this Order, and shall immediately report any violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
9. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

### Releases

10. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to: (a) obtain all patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

## PRACTICE

### Professional Mentor

11. Respondent shall engage in clinical practice only under the supervision of a designated Professional Mentor approved by the Board or in a work setting pre-approved by the Board or its designated agent.

Before engaging in clinical practice, Respondent shall obtain a Professional Mentor acceptable to the Board. The Professional Mentor shall be the individual responsible for reviewing Respondent's practice of medicine and surgery during the time this Order is in effect. A Professional Mentor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Department (including but not limited to any bartering relationship, mutual referral of patients, etc.). A Professional Mentor shall be actively practicing in Respondent's field of practice, hold a valid Wisconsin license, shall be board certified by an ABMS-recognized board in a specialty relevant to

Respondent's field of practice, and shall have read this Final Decision & Order and agree to be Respondent's Professional Mentor.

Supervision shall include weekly meetings, review of charts selected by the Professional Mentor, and any other actions deemed appropriate by the Professional Mentor to determine that Respondent is practicing in a professional and competent manner. The Professional Mentor may designate another qualified physician or other health care provider acceptable to the Board to exercise the duties and responsibilities of the Professional Mentor in an absence of more than three weeks. In the event that the Professional Mentor is unable or unwilling to continue to serve as Respondent's professional mentor, the Board may in its sole discretion select a successor Professional Mentor. The Professional Mentor may request that meeting frequency be adjusted based on Respondent's level of clinical activity, and based on judgment of the need for such reviews: such requests shall be determined by the Board's designee.

The Professional Mentor shall have no duty or liability to any patient or third party, and the Mentor's sole duty is to the Board.

### Reporting Required

12. If Respondent engages in clinical practice, Respondent shall arrange for his Professional Mentor to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance.  
  
Respondent's Professional Mentor shall immediately report to the Department Monitor and the Respondent's Supervising Health Care Provider any conduct or condition of the Respondent which may constitute unprofessional conduct, a violation of this Order, or a danger to the public or patient.
13. It is the responsibility of Respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order, including any failures of the Professional Mentor to conform to the terms and conditions of this Order.
14. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel where Respondent is engaged in the practice of medicine or surgery as defined at Wis. Stat. § 448.01(9).
15. It is Respondent's responsibility to arrange for written reports from his employer or practice partner(s) to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active practice worked during that quarter.
16. Respondent shall arrange for agreement by his employer or practice partner(s) to immediately report to the Board and to the Treater any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public.
17. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

### MISCELLANEOUS

#### Department Monitor

18. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
department.monitor@drl.state.wi.us

#### Required Reporting by Respondent

19. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater of treatment facility to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

#### Change of Treater or Approved Program by Board

20. If the Board or its designee determines the Treater has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment under the direction of another Treater.

#### Petitions for Modification of Limitations or Termination of Order

21. Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order, and no such petition shall be made any earlier than three months from the date the Board has acted on the last such petition. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

#### Costs of Compliance

22. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

#### Costs of Proceeding

23. Respondent shall pay costs of \$1,500, to the Department of Regulation and Licensing, before September 5, 2007. In the event Respondent fails to timely submit any payment of costs, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Discipline

24. This Order does not constitute discipline. However, in addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 448.02(3) and Wis. Adm. Code § Med 10.02(2)(b).

Dated this June 20, 2007.

WISCONSIN MEDICAL EXAMINING BOARD

by: Sujatha Kailas  
a member of the Board